

March 14, 2013

House Local Government Committee:

Thank you for allowing me to submit my testimony on SB 147.

I am familiar with this issue because I worked for the Missoula Association of REALTORS when the idea of requiring land owners to set aside part of their property to 'mitigate' for the loss of farm-able land in Missoula County started to gain momentum.

The Missoula County Commissioners received a great deal of pressure from an outspoken environmental group called the Community Food and Agriculture Coalition (CFAC). The Missoula County Commissioners held off on making a decision because the 2011 Legislature was considering a bill that would have addressed mitigation for impact to Ag, HB 542. That bill passed the Legislature but was ultimately vetoed by Governor Schweitzer.

In the interim, the Missoula County Commissioners asked a volunteer group called the Open Lands Citizen Advisory Committee (OLC) to review all the materials available and make some recommendations to the County Commissioners on mitigation. I attended most of those meetings. The most vocal proponent on the committee was Jim Cusker, a board member of CFAC. The initial recommendation from the OLC included requiring a 1:1 ratio. So if a person wanted to develop 10 acres, 5 would have to left as empty space – just in case the civilized world comes to an end and we all have to survive on 'locally grown' food.

One of the most memorable moments of those public meetings was when John Ployhar, a rancher in the Potomac Valley, brought in a variety of canned and preserved food. He had a can of mandarin oranges – cost about .86 and grown in various foreign counties. He went through several of these examples of foods we all enjoy and the low cost to purchase the items. Then he displayed a jar of his wife's homemade preserves and commented that he could not even begin to estimate the cost to produce a small amount of fruit on his ranch. The hours of TLC the trees need and the garden required was a labor of love...maybe \$8.00 a jar?? The point is Montana's do not want and could not afford to eat only locally grown foods.

As word of OLC's proposal got circulated, more and more angry farmers and ranchers started showing up to speak against the idea of Ag mitigation. Within a few months, most of OLAC members decided that they didn't want to deal with this issue anymore and handed the issue back to the Missoula County Commissioners without any recommendations on how to implement "Mitigation for Impact to Agriculture". Many members of the committee felt that this issue was making enemies of their friends and neighbors in the ranching community and was not worth the headache for a volunteer committee.

The Missoula County Commissioners then turned to the Missoula County Consolidated Planning Board. A group which is largely controlled by the Community Food and Agriculture Coalition. The Planning Board calls their effort the Agriculture Project and I have attached a copy of the Missoula County Agriculture Project- just in case you are thinking this cannot possibly be happening in America.

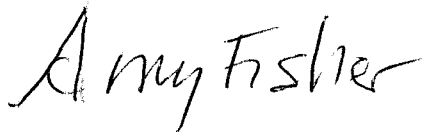
The only thing that is stopping the Missoula Missoula County Consolidated Planning Board from implementing Ag Mitigation requirements is this bill. You will make the difference in 150,000 people's lives in Western Montana.

Don't let the Community Food and Agriculture Coalition's aggressive emails and letter writing campaigns scare you into believing we are all going to starve to death. Don't let the Community Food and Agriculture Coalition convince you they are just trying to 'Save the Farmer'! The farmers and ranchers who are fortunate enough to own acreage should be able to use it however they wish. If people want to start farming, they can buy land and go to work- but don't let them take property away- without any compensation. That is socialism.

Missoula County residents who own even a few acres would be subject to the requirements of Ag Mitigation. An elderly couple that has paid high taxes on their 10 acres and had planned to build apartments or a couple houses on their property as part of their retirement plans would have to put 5 acres into conservation. They would only be able to build 1/3 the apartments or houses and each house would have to cost much more in order to cover the infrastructure costs. In addition, because this land taking is MANDATED, the tax benefit of a conservation easement would not be available to these land owners.

Please vote to stop harassment of open land owners in Western Montana. Vote to protect private property rights and the rights of farmers and ranchers.

Sincerely,

A handwritten signature in cursive script that reads "Amy Fisher". The signature is written in dark ink and is positioned below the word "Sincerely,".

Amy Jo Fisher
Montana Association of REALTORS

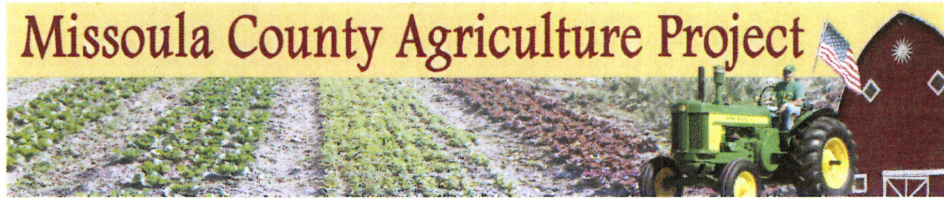
Missoula County Rural Initiative

Department: Missoula County Community and Planning Services

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The Missoula County Commissioners wish to develop an agriculture policy for Missoula County due to the loss of agricultural land and the importance of agriculture to our local economy and culture.

County Commissioners across the state have been assigned the responsibility under the Montana Constitution to protect, enhance and develop agriculture. They are further obligated by the Montana Subdivision and Platting Act to mitigate the impacts of subdivision development on agriculture. However, the Missoula Commissioners also recognize that some methods for mitigating further loss of agricultural lands might adversely affect agricultural operators and their land.

Consequently, the Missoula County Commissioners are looking to adopt an agriculture policy that provides a balanced approach and addresses local agriculture issues such as loss of agricultural land, loss of access to agricultural lands, and difficulties with making a profit in agriculture.

Upcoming Events!

- NOTE & Update: *As of February 13th, there will not be an agriculture project agenda item on the Planning Board agenda for February 19, 2013. Stay tuned for additional information, which will be posted as available.*

The scheduled February 19th Missoula Consolidated Planning Board hearing on a possible set of subdivision regulation amendments addressing agriculture has been postponed. This will allow additional time for the legislature to continue their discussions. It also provides the County with time we can use to share ideas about what a Right to Farm and Ranch Ordinance might look like in Missoula County and collect input from our rural communities on such an ordinance.

Background Documents

These four reports were prepared by various entities and are provided with their permission. For additional information, please contact the authors.

- **"Ideas and Information About Potential Agriculture Policies in Missoula County"** – Open Lands Citizen's Advisory Committee, July 2012 (489 KB)

Comments

[Email RI Your Comments](#)

[Read Received Comments](#)

- **"Agricultural Protection in Montana: Local Planning, Regulation, and Incentives"** Land Use Clinic - UM School of Law, February 2012 (1.46 MB)
- **"A Place to Grow"** Missoula Organization of Realtors Report, July 2010 (2.45 MB)
- **"Losing Ground"** Community Food and Agriculture Coalition Report, April 2010 (1.57 MB)

Past Events

January 8, 2013: Missoula Consolidated Planning Board Meeting

At the January 8, 2013 meeting, Planning Board received a presentation from Wally Congdon on the benefits of a Right to Farm and Ranch ordinance.

- Minutes and [Agenda](#)
- [Right to Farm and Ranch Documents](#)
- [Comments from the meeting](#)
- Watch the meeting [here](#)

December 4, 2012: Missoula Consolidated Planning Board Meeting

At the December 4, 2012 meeting, Planning Board reviewed and approved concepts related to amendments of the subdivision regulations.

- Minutes and [Agenda](#)
- [Staff Memo to Planning Board](#)
- [Staff Presentation to Planning Board](#)
- Watch the meeting [here](#)
- [Comments from the meeting](#)
- [RI staff letter to County Commissioners regarding Planning Board's recommendation for an Agriculture Policy](#)
- [County Commissioner letter \(November 21, 2012\) to Planning Board supporting Planning Board's recommendations](#)

October 16, 2012: Missoula Consolidated Planning Board Meeting

The October meeting was a review of comments received from the August meeting along with the review and approval of packaged options for the Board of County Commissioners to consider for an agriculture policy.

- Minutes and [Agenda](#)
- [Staff Memo to Planning Board](#)
- [Staff Presentation to Planning Board](#)
- Watch the meeting [here](#)
- [Comments from the meeting](#)

August 22, 2012: Missoula Consolidated Planning Board Meeting

The August meeting was an informational meeting where Planning Board heard presentations on the four locally generated reports.

- Minutes and [Agenda](#)
- Watch the meeting here: [Part I](#) and [Part II](#)
- [Comments from the meeting](#)

Presentations from the August 22nd Planning Board Meeting:



As these policy discussions occur, this webpage is a location where information about the development of an agriculture policy will be posted including documents, events and meetings, etc.



[www.co.missoula.mt.us /rural](http://www.co.missoula.mt.us/rural)

MISSOULA COUNTY RURAL INITIATIVES
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Missoula, Montana 59802-4292

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ri@co.missoula.mt.us

Missoula Board of County Commissioners
200 W. Broadway
Missoula, MT 59802

November 13, 2012

Re: Missoula Consolidated Planning Board Agricultural Policy Recommendation

Dear Board of County Commissioners,

On October 16 the Missoula Consolidated Planning Board met to discuss the creation of an agricultural policy for Missoula County. Staff presented four policy packages with a range of tools in each. The discussion at that meeting resulted in Planning Board recommending the following package to the Missoula Board of County Commissioners for consideration:

- Develop revised subdivision regulations to address assessment of impacts to agriculture and options for mitigation
- Adopt a "Right to Farm" ordinance
- Adopt a "Local Source" ordinance for Missoula County operations and events to provide additional market for local agricultural products
- Create and continue assistance to economic development projects and programs related to agriculture
- Research potential for use of "Agricultural Protection Areas" tool in Missoula County
- Continue use of Open Space Bond funding to protect agricultural land
- Develop a Growth Policy vision statement that addresses the future of agriculture in Missoula County

Due to its high priority level for the Commissioners, Rural Initiatives staff is working with Planning Board to develop revised subdivision regulations first.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mitch Doherty", is written over a faint, larger version of the same signature.

Mitch Doherty

Cc: Patrick O'Herren, Rural Initiatives
James McCubbin, County Attorney's Office
Tim Worley, Office of Planning and Grants
Missoula County Planning Board



BOARD OF COUNTY COMMISSIONERS
200 W BROADWAY ST
MISSOULA MT 59802-4292

BCC 2012-206
November 21, 2012

PHONE: (406) 258-4877
FAX: (406) 721-4043

Missoula Consolidated Planning Board
c/o Office of Planning and Grants
435 Ryman Street
Missoula, MT 59802

RE: AGRICULTURAL POLICY

Dear Members of the Planning Board:

The Board of County Commissioners would like to thank you for your work on the creation of an Agricultural Policy for Missoula County. The Commissioners believe that this work will lead to not only the protection our valuable agricultural lands and operations, but also enhance and promote agriculture for residents in Missoula County. We support your recommendation for a package of options to consider for an agricultural policy, with two revisions.


- Develop revised subdivision regulations to address assessment of impacts to agriculture and options for mitigation
- Adopt a "Right to Farm" ordinance
- Adopt a "Local Source" ordinance for Missoula County operations and events to provide additional markets for local agricultural products
- Create and continue assistance to economic development projects and programs related to agriculture
- Research the potential for use of voluntary "Agricultural Protection Areas" tool in Missoula County
- Continue the use of Open Space Bond funding to protect agricultural land on a voluntary basis
- Develop a Growth Policy vision statement that addresses the future of agriculture in Missoula County

We have directed staff to begin working with Planning Board on subdivision regulation revisions as a top priority for the County.

Sincerely,
BOARD OF COUNTY COMMISSIONERS

NOT AVAILABLE FOR SIGNATURE

Bill Carey, Chair


Michele Landquist, Commissioner


Jean Curtiss, Commissioner

BCC/ppr
cc: Pat O'Herren, Rural Initiatives
Mitch Doherty, Rural Initiatives
James McCubbin, County Attorney's Office
Tim Worley, Office of Planning and Grants